

# **Service Area Plan**

## **Department of Labor and Industry**

### ***Apprenticeship Program (53409)***

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## **Service Area Background Information**

### **Service Area Description**

This service area oversees Virginia's Registered Apprenticeship Program, implements the Virginia Voluntary Apprenticeship laws, and provides staffing for the Virginia Apprenticeship Council. Products and services include:

- Register apprenticeship programs that meet standards.
- Assist private employers, state government, and local governments in establishing and maintaining apprenticeship programs.
- Provide educational programs and materials to promote apprenticeship as an effective workplace program.
- Issue Certificates of Completion to apprentices that successfully complete their apprenticeship.
- Implement program according to direction received from the Virginia Apprenticeship Council.
- Protect the safety and well-being of apprentices.

### **Service Area Alignment to Mission**

This service area directly aligns with DOLI's mission of making Virginia a better place in which to work, live and conduct business through training skilled workers who will earn a reasonable income and provide a skilled workforce for employers.

### **Service Area Statutory Authority**

- Chapter 1 of Title 40.1 of the Virginia Code provides for the establishment of the Department of Labor and Industry and establishes the authority of the Commissioner.
- Chapter 6 of Title 40.1 of the Virginia Code, known as the Voluntary Apprenticeship Act, provides the minimum requirements for apprenticeship programs. Section 40.1-125 of the Code of Virginia requires the Commissioner of Labor and Industry, with the advice and guidance of the Apprenticeship Council, to administer the provisions of the Voluntary Apprenticeship Act. Responsibility for implementing and administering voluntary apprenticeship in Virginia has been delegated by the U.S. Department of Labor (USDOL) Bureau of Apprenticeship and Training (BAT) to the state. The USDOL regulation, 29 CFR Part 29, "Labor Standards for the Registration of Apprenticeship Programs," requires the state program to have a State Apprenticeship Council with an "acceptable composition;" the state program to be established in the State Department of Labor or in that agency of state government having jurisdiction of laws and regulations governing wages, hours and working conditions; and the state agency presently recognized by BAT to have a state official empowered to direct the apprenticeship operation.
- The Virginia Apprenticeship Council is recognized as the regulatory and policy board for the program by the Code of Virginia, at §§ 40.1-117 to 40.1-118. The Council is authorized to promulgate regulations to govern apprenticeship agreements and deregistration procedures, and to establish standards.
- Sections 40.1-119 through 40.1-126 provide the foundation for the development of apprenticeship programs and sponsors in the Commonwealth. The apprenticeship program within DOLI implements the regulations established by the Council.

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- 29 USC § 50, known as the Fitzgerald Act, is the federal statute which authorizes the U. S. Secretary of Labor to formulate and promote labor standards to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards.

#### **Service Area Customer Base**

Customer(s)	Served	Potential
Apprentices	12,299	13,037
Employer Sponsors	2,056	2,179
Labor Organizations	75	75
Related Instruction Coordinators	16	16

#### **Anticipated Changes In Service Area Customer Base**

With Virginia's expanding economy and growing population, the demand for skilled workers is high and will continue to grow. The Agency anticipates that the number of non-English speaking customers will increase. The Agency further anticipates that the increasing globalization of the economy will affect the types and numbers of employees needing skills training.

#### **Service Area Products and Services**

- Offering Career Choice Options:  
Promoting Registered Apprenticeship as an effective way to train a skilled workforce.  
Providing assistance to employers interested in training a skilled workforce through Registered Apprenticeship.
- Registered Apprenticeship Agreements:  
Reviewing and approving apprenticeship agreements. Maintaining and documenting apprenticeship agreements. Terminating or canceling apprenticeship agreements when appropriate.
- Certificates:  
Monitoring apprenticeship progress and issuing Certificates of Completion of Registered Apprenticeship.
- Sponsor Evaluations:  
Conducting Sponsor Program Evaluations pursuant to procedures and criteria established by the Virginia Apprenticeship Council.
- EEO Reviews:  
Conducting Equal Employment Compliance Reviews under authority of the Commonwealth of Virginia, Voluntary Apprenticeship Act.

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#### Factors Impacting Service Area Products and Services

As our customer base changes, our methods of delivering our products and services will be adapted. Globalization and evolving technologies, combined with an increasing number of non-English speaking customers will necessitate enhancements and modifications to our products and services.

#### Anticipated Changes To Service Area Products and Services

Products and services will be adapted to meet the changing needs of the expanding economy, non-English speaking customers, the increasing globalization of the economy, and the types and numbers of employees needing skills training.

#### Service Area Financial Summary

The Apprenticeship Program is funded by State General Fund Appropriation.

	<b><u>Fiscal Year 2007</u></b>		<b><u>Fiscal Year 2008</u></b>	
	<b>General Fund</b>	<b>Nongeneral Fund</b>	<b>General Fund</b>	<b>Nongeneral Fund</b>
<b>Base Budget</b>	\$868,901	\$0	\$868,901	\$0
<b>Changes To Base</b>	\$85,981	\$0	\$84,181	\$0
<b>SERVICE AREA TOTAL</b>	<b>\$954,882</b>	<b>\$0</b>	<b>\$953,082</b>	<b>\$0</b>

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**Service Area Objectives, Measures, and Strategies**

**Objective 53409.01**

***To increase the numbers of apprentices enrolled in Virginia's Registered Apprenticeship Programs. (Key)***

One of the Agency's Goals is to enhance the development of highly skilled workers for Virginia's economy. The development of highly skilled workers through Registered Apprenticeship training provides career options for workers and an available pool of skilled workers for employers.

**This Objective Supports the Following Agency Goals:**

- Enhance the development of highly skilled workers for Virginia's economy.

**This Objective Has The Following Measure(s):**

- **Measure 53409.01.01**

***We will increase the number of apprentices participating in the Registered Apprenticeship training programs. (Key)***

**Measure Type:** Outcome      **Measure Frequency:** Annually

**Measure Baseline:** 12,299 apprentices (Baseline reflects number of registered apprentices recorded for FY 2004.)

**Measure Target:** 13,037 apprentices (Six Percent Increase in the number of registered apprentices by fiscal year 2008.)

**Measure Source and Calculation:**

Participants in registered apprenticeship program are tracked and recorded in an Agency-based program database. Numbers are accumulated and reported at the end of each state fiscal year.

**Objective 53409.01 Has the Following Strategies:**

- Agency staff provide consultation services to Employer Sponsors to further assist them in meeting statutory requirements and improving their apprenticeship training programs.
- Agency staff conduct detailed evaluations of registered apprenticeship programs.

# **Service Area Plan**

## **Department of Labor and Industry**

### **Labor Law Services (55206)**

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## **Service Area Background Information**

### **Service Area Description**

This service area implements the laws of the Commonwealth governing payment of wages, minimum wage, garnishee rights, discharge for work-related injuries, other conditions of employment, and employment of children. Products and services include:

- **Inspection and Enforcement:**

Thorough and consistent inspection and enforcement of the laws and regulations governing child labor. Assessing corporate or individual responsibility as appropriate. Investigating complaints of violations of child labor or payment of wage laws.

- **Permitting:**

Training, assisting and providing oversight to officials of local schools who issue permits for 14 and 15 year olds who are to be employed. Providing supplies to issuing officers. Issuing theatrical and solicitation permits for minors.

- **Hearings and Conferences:**

Initiating informal conferences to settle disputes between employers and employees regarding wages. Planning, setting and providing notice of administrative hearings in payment of wage cases. Under authorization of Office of the Attorney General (OAG), lawsuits are filed in General District Court in payment of wage cases. As approved by the OAG, litigating child labor cases and criminal matters regarding payment of wages.

### **Service Area Alignment to Mission**

This service area directly aligns with DOLI's mission of making Virginia a better place in which to work, live and conduct business by resolving payment of wage disputes, protecting children from hazardous employment, and providing answers to inquiries concerning Virginia's labor laws.

### **Service Area Statutory Authority**

- Chapter 1 of Title 40.1 provides for the establishment of the Department of Labor and Industry and establishes the authority of the Commissioner.
- Chapter 3 of Title 40.1 provides for the protection of employees. This chapter includes the Virginia Minimum Wage Act (§§ 40.1-28.8 to 40.1-28.12); Pay, assignment of wages and sale of merchandise to employees (§§ 40.1-29 to 40.1-33); equal pay irrespective of sex (§ 40.1-28.6); preventing employment by others of former employees (§ 40.1-27); discharge of an employee for absence due to work-related injury prohibited (§ 40.1-27.1); unlawful to require payment for medical examination as a condition of employment (§ 40.1-28); prohibition of use of certain questions on polygraph tests for employment (§ 40.1-51.4:3); and, prohibition of use of polygraphs in certain employment situations (§ 40.1-51.4:4).
- Chapter 4 of Title 40.1 governs various aspects of employment, including certain actions of labor unions (§§ 40.1-52 to 40.1-54.2); strikes by government employees (§§ 40.1-55 to 40.1-57.1); collective bargaining for governmental employees (§§ 40.1-57.2 to 40.1-57.3); denial of abridgement of right to work (§§ 40.1-58 to 40.1-69); and, mediation and conciliation of labor disputes (§§ 40.1-70 to 40.1-75).
- Chapter 5 of Title 40.1 governs all aspects of child labor. It establishes the minimum age for children to work in certain occupations; the hours of work for children; and conditions of employment of children on

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### Labor Law Services (55206)

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farms, in gardens and in orchards.

#### **Service Area Customer Base**

Customer(s)	Served	Potential
Attorneys	2,300	26,278
Employees	19,500	3,598,669
Employers	10,800	209,903
Issuing Officers	1,500	1,500
Minors working in Virginia	15,000	484,000
Parents	15,000	484,000

#### **Anticipated Changes In Service Area Customer Base**

- The Agency anticipates that the number of non English-speaking customers will increase.
- The Agency anticipates that, as technology continues to advance and globalization increases, the agency will face ever increasingly complex definitions of what it means to “work in Virginia”.

#### **Service Area Products and Services**

- Inspection and Enforcement:  
Thorough and consistent inspection and enforcement of the laws and regulations governing child labor. Assessing corporate or individual responsibility as appropriate. Investigating complaints of violations of child labor or payment of wage laws.
- Permitting:  
Training, assisting and providing oversight to officials of local schools who issue permits for 14 and 15 year olds who are to be employed. Providing supplies to issuing officers. Issuing theatrical and solicitation permits for minors.
- Hearings and Conferences:  
Initiating informal conferences to settle disputes between employers and employees regarding wages. Planning, setting and providing notice of administrative hearings in payment of wage cases. Under authorization of Office of the Attorney General (OAG), lawsuits are filed in General District Court in payment of wage cases. As approved by the OAG, litigating child labor cases and criminal matters regarding payment of wages.

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#### Factors Impacting Service Area Products and Services

The Agency anticipates that the number of non-English speaking employees and employers will increase, necessitating the use of interpreters or the training of DOLI staff to speak other languages, particularly Spanish.

The Agency anticipates increases in the number of small businesses whose owners cannot afford to hire an attorney. At present, many small business owners contact DOLI's Labor and Employment Law Division with inquiries concerning labor and employment law issues. We anticipate that the numbers of these inquiries will increase.

The Agency anticipates that, as technology continues to advance, more inquiries will be received via the internet.

The Agency anticipates increases in the number of children working.

The Agency anticipates salary compression issues.

#### Anticipated Changes To Service Area Products and Services

The Agency anticipates that adaptations will be made to accommodate non-English speaking employees and employers. It is probable that interpreter services will be used and at least some DOLI staff may learn to speak other languages, particularly Spanish. It may be necessary for the Agency to search more aggressively for bilingual employees.

The Agency anticipates that increasing globalization and an improving economy will result in the creation of more small businesses, whose owners cannot afford to hire an attorney. At present, many small business owners contact DOLI's Labor and Employment Law Division with inquiries concerning labor and employment law issues. We anticipate that the numbers of these inquiries will increase.

The Agency anticipates that, as technology continues to advance, more inquiries will be received via the internet.

The Agency anticipates a continuing need to provide high-quality training for the officials of local schools who issue permits for 14 and 15 year olds who are to be employed.

The Agency anticipates that the aging agency workforce and rising incomes in the private sector will make it more and more difficult to recruit and retain the highly skilled employees who are needed to staff the Labor and Employment Law Division. It will probably be necessary for more funds to be allocated for salaries.

#### Service Area Financial Summary

Labor Law Services is funded by State General Fund Appropriation.

	<b>Fiscal Year 2007</b>		<b>Fiscal Year 2008</b>	
	<b>General Fund</b>	<b>Nongeneral Fund</b>	<b>General Fund</b>	<b>Nongeneral Fund</b>
<b>Base Budget</b>	\$708,093	\$0	\$708,093	\$0
<b>Changes To Base</b>	\$57,267	\$0	\$55,017	\$0
<b>SERVICE AREA TOTAL</b>	<b>\$765,360</b>	<b>\$0</b>	<b>\$763,110</b>	<b>\$0</b>

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**Service Area Objectives, Measures, and Strategies**

**Objective 55206.01**

***To reduce the number of children working in hazardous or unhealthy occupations in Virginia.***

Employment certificates or permits are issued by issuing officers to minors between the ages of 14 and 16. Virginia law prohibits the employment of minors under the age of 18 in hazardous or unhealthy occupations. An employment certificate or permit will be revoked if the minor's employment is found to be hazardous or unhealthy. Chapter 5 of Title 40.1 of the Code of Virginia governs the employment of minors and issuance of employment certificates or permits.

**This Objective Supports the Following Agency Goals:**

- Protect children from serious injury or death while employed.  
( Chapter 5 of Title 40.1 which governs the employment of children in Virginia, mandates that children in Virginia, while working, must be in safe, healthful environments that do not endanger them or interfere with their education.)

**This Objective Has The Following Measure(s):**

- **Measure 55206.01.01**

***Number of employment certificates issued to minors revoked***

**Measure Type:** Outcome

**Measure Frequency:** Annually

**Measure Baseline:** 119 (Number of revoked employment certificates or permits.)

**Measure Target:** 107 (Number of revoked employment certificates or permits.)

**Measure Source and Calculation:**

Chapter 5 of Title 40.1 requires the Issuing Officer to forward a copy of each permit to the Agency. The Agency retains copies of both permissible and revoked permits. The measure will result from counting the number of revoked permits.

**Objective 55206.01 Has the Following Strategies:**

- DOLI will provide training to the issuing officers to ensure that no child is issued an employment certificate for work in a hazardous or unhealthy occupation.

**Objective 55206.02**

***To advance the fair and efficient investigation of wage complaints. (Key)***

The Code of Virginia, at § 40.1-29, requires that employers pay employees for time worked. A payment of wage investigation is initiated following an allegation by an employee that he/she was not paid by the employer for time worked.

**This Objective Supports the Following Agency Goals:**

- Provide efficient resolution of wage issues.  
( The Virginia Payment of Wage Law, codified in the Virginia Code, at § 40.1-29, requires that an employer pay an employee for time worked.)
- Provide excellent customer service through the effective performance of DOLI personnel.  
( Resolving payment of wage claims quickly and efficiently serves the needs of employers and employees and makes the best possible use of the Commonwealth's resources.)



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#### **This Objective Has The Following Measure(s):**

- **Measure 55206.02.01**

***We will complete 90 percent of the payment of wage investigations within 90 days. (Key)***

**Measure Type:** Outcome      **Measure Frequency:** Annually

**Measure Baseline:** 100 days (The average number of days required to complete an investigation of a valid wage claim.)

**Measure Target:** Close 90 percent of payment of wage investigations within 90 days or less.

**Measure Source and Calculation:**

Each wage claim the agency receives is entered in the Labor Law Database, which records beginning/closing dates of the investigation. The measure will be the average number of days to complete a valid wage investigation. The Agency follows due process requirements which provide for numerous multi-week response times.

#### **Objective 55206.02 Has the Following Strategies:**

- Streamlined investigation process including centralized in-take of claims.
- Use of automated systems to manage the distribution of work.
- Regular audit of work processes to ensure compliance with program goals.

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## Department of Labor and Industry

### Virginia Occupational Safety and Health Services (55501)

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## Service Area Background Information

### Service Area Description

This service area administers occupational safety and health activities in Virginia (the Virginia State Plan agreement with federal OSHA as required by § 40.1-1 of the Code of Virginia ) for general industry, agriculture, construction and the public sector. The federal Occupational Safety and Health Act of 1970 requires federal OSHA to enforce its regulations throughout the country, except in states that apply and receive approval for a State Plan for occupational safety and health. Virginia received its approval as a State Plan state in 1988. Products and services include:

- Customer service, such as training and technical assistance;
- Investigation of worker occupational safety and health complaints in construction and general industry companies.
- Investigating workplace fatalities.
- Inspection and enforcement of the occupational safety and health laws and regulations in the construction industry and general industry in the public and private sectors, with the exception of employers covered by federal agencies under § 4(b)(1) of the OSH Act of 1970.
- Regulatory development to establish minimum requirements for worker and public safety.
- Safety and health consultation to private and public sector employers with priority given to high-hazard companies with 250 or fewer employees.
- Certification of qualified high-hazard companies with 250 employees or less as SHARP (Safety and Health Achievement Recognition Program) sites.
- Certifying companies with 250 or more employees with exemplary safety and health programs under the Voluntary Protection Program (VPP) using the STAR and MERIT designations.
- Operation of the Voluntary Protection Program (VPP) to recognize and promote effective occupational safety and health management for companies with 250 or more employees, and certification of qualified companies as STAR and MERIT worksites under the VPP program.
- Annual Virginia Occupational Safety and Health (VOSH) Conference to provide training and information to Virginia employers, employees and safety and health professionals.
- Conducting the Annual Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries (CFOI) under cooperative agreements with the US Bureau of Labor Statistics.
- Assure compliance with the Virginia Overhead High Voltage Line Safety Act.
- Participation in the OSHA Data Initiative in high-hazard industries.
- Economic development support by ensuring safe and healthy workplaces in Virginia companies.
- Legal support from the Office of Legal Support (OLS) to VOSH compliance divisions under the guidance and direction of the Office of the Attorney General.

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### Virginia Occupational Safety and Health Services (55501)

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- The Office of Planning and Evaluation (OPE) provides support to the VOSH divisions in the areas of development, coordination, and issuance of plans, policies, procedures, program directives, operational manuals, regulations, and other related documents.

#### **Service Area Alignment to Mission**

This service area directly aligns with DOLI's mission of making Virginia a better place to work, live and conduct business by promoting safe, healthy workplaces, instituting safe work practices and providing training, information, and technical assistance to employers, employees, and safety/health professionals.

#### **Service Area Statutory Authority**

- Chapter 1 of Title 40.1 provides for the establishment of the Department of Labor and Industry and establishes the authority of the Commissioner.
- Section 40.1-22 authorizes the Virginia Occupational Safety and Health (VOSH) Program.
- The responsibilities of the program are provided in §§ 40.1-1, 40.1-2, 40.1-3, 40.1-6, and §§ 40.1-49.3 through 40.1-51.4:2. Although Virginia is not mandated by Federal law or regulation to have an occupational safety and health program, responsibility in Virginia has been delegated by the U.S. Department of Labor (USDOL) Occupational Safety and Health Administration (OSHA) to the state through the Virginia State Plan.
- The Virginia Safety and Health Codes Board is established as the regulatory and policy board for the program by § 40.1-22. The Board is authorized to establish regulations governing occupational safety and health.
- The Code of Virginia, §§ 59.1-406 thru 59.1-414, known as the Overhead High Voltage Line Safety Act, promotes the safety and protection of persons engaged in work or activity in the vicinity of overhead high voltage lines.
- The federal Occupational Safety and Health Act of 1970 requires federal OSHA to enforce its regulations throughout the country, except in states that apply and receive approval for a State Plan for occupational safety and health. Virginia received its approval as a State Plan state in 1988. Requirements for State Plans are found in section 18 of the federal Occupational Safety and Health Act of 1970 and in federal regulation 29 CFR 1902, entitled, "State Plans for the Development and Enforcement of State Standards".
- Section 18(c)(7) of the Occupational Safety and Health Act of 1970 and federal regulation 29 CFR 1902.3(k) requires states implementing their own occupational safety and health program to ensure that employers covered by the program will maintain records and make reports to the USDOL's Assistant Secretary for Occupational Safety and Health containing statistical information pertaining to work related deaths, injuries and illnesses. This law and regulation authorize Virginia to conduct the "Annual Survey of Occupational Injuries and Illnesses" and the "Census of Fatal Occupational Injuries".

#### **Service Area Customer Base**

Customer(s)	Served	Potential
Employees	3,598,669	3,598,669
Employers	209,903	209,903

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### Virginia Occupational Safety and Health Services (55501)

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#### Anticipated Changes In Service Area Customer Base

DOLI anticipates the number of non-English speaking customers to increase. The Commonwealth's workforce has changed in significant ways over the past several decades. It is more diverse in terms of age, gender, race, and nationality, and the products of work are increasingly services rather than goods. A smaller percentage of workers are employed in large fixed industries, and higher proportions are employed in small firms, temporary jobs, or at home. More work is now contracted, outsourced, and part-time. These trends are expected to continue over the next several decades, and will require different strategies to address developing issues.

In terms of workforce demographics, we can expect to see a greater percentage of youth and older workers in the workforce. According to several sources on labor force trends, in the next decade, the youth population, ages 16 to 24, is expected to increase as a share of the workforce, the 25 to 54 age group is expected to decline, and the 55 and over age group will grow the fastest. According to the National Institute on Occupational Safety and Health (NIOSH), 80% of young people are employed at some point before they leave school. In addition, as the demand for skilled, experienced workers grows in the next two decades, older workers will become an increasingly vital labor resource. These demographic shifts influence occupational injury rates and, therefore, raise issues for VOSH's program strategies. For example, despite child labor laws that prohibit teens from engaging in the most dangerous occupations, they have a higher rate of injury per hour than adults. Older workers, on the other hand, have lower injury and illness rates than the labor force as a whole, although injured older workers generally take longer to return to work.

Immigrant and "hard-to-reach" workers and employers are also becoming more prevalent. Many immigrants are less literate, unable to read English instructions, and work in some of the most inherently dangerous jobs. Hard-to-reach workers and employers include youth workers, employees who work at a single location for only a few days before moving to a new location, temporary workers, and small business owners. These demographic and workplace trends complicate the implementation of occupational safety and health programs and argue for enforcement, training, and delivery systems that are different from those that have been relied upon to date.

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## ***Department of Labor and Industry***

### ***Virginia Occupational Safety and Health Services (55501)***

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#### **Service Area Products and Services**

- **Inspection and Enforcement:**  
Consistent application of occupational safety and health laws and regulations through effective and efficient enforcement inspections of work-related accidents, fatalities, imminent danger situations, employee complaints, referrals from other government agencies and planned inspections in general industry, construction and agriculture in both the public and private sectors, with the exception of employers in federal enclaves or those covered by federal agencies under § 4(b)(1) of the OSH Act of 1970, and assuring compliance with the Virginia Overhead High Voltage Line Safety Act.
- **Consultation, Outreach, and Compliance Assistance Services:**  
Safety and health consultation to private and public sector employers with priority given to high-hazard companies with 250 or fewer employees. Certification of qualified high hazard companies with 250 employees or less as SHARP (Safety and Health Achievement Recognition Program) sites. Operation of the Voluntary Protection Program (VPP) to recognize and promote effective occupational safety and health management. Certification of qualified companies as STAR and MERIT worksites under the VPP program. Customer service, such as providing training and technical assistance to employers and employees, and coordinating the annual Virginia Occupational Safety and Health Conference regularly attended by 300-400 safety and health professionals, employers and employees.
- **Regulatory Development:**  
Regulatory development to establish minimum occupational safety and health requirements for employees and employers, and providing staff support to the Virginia Safety and Health Codes Board.
- **Data Collection:**  
Conducting the Annual Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries (CFOI) under cooperative agreements with the US Bureau of Labor Statistics. Participation in the OSHA Data Initiative in high-hazard industries.
- **Legal Support:**  
Under the guidance and direction of the Office of the Attorney General, legal support is provided to the VOSH compliance divisions in the following areas: obtaining settlement of or litigating VOSH contested cases that cannot be settled at the Regional Office level, pre-citation review of significant cases (primarily fatality, willful and criminal cases), obtaining warrants when an employer denies a VOSH compliance officer access to work sites, handling subpoenas for Department personnel and records, and processing Freedom of Information Act (FOIA) requests.

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#### **Factors Impacting Service Area Products and Services**

- Full automation of the Virginia Courts Case Information System will enable program staff to check online the status of VOSH cases in litigation in the Circuit Courts of Virginia, will enhance the Agency's ability to assure that litigation is initiated for VOSH contested cases within the Department's stated goal of one year from the citation issuance date (several major local jurisdictions such as Fairfax County have not yet been added to the online system).
- Changes in information technology systems at the federal level.
- Agency funding for occupational safety and health is tied to the federal appropriations process.
- Increasing globalization and evolving technologies, combined with a growing number of non-English speaking customers will necessitate enhancements and modifications to our products and services.
- Judicial decisions impact VOSH program operations, as well as continued State Plan status.
- Litigation of VOSH contested cases occurs at the local level in Virginia's court system.

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### Virginia Occupational Safety and Health Services (55501)

#### Anticipated Changes To Service Area Products and Services

The Agency anticipates that strategies will be developed to provide services to a changing workforce. The Agency anticipates using the services of foreign language interpreters and training some staff to speak non-English languages (especially Spanish). The Agency also anticipates delivering services to a workforce that is more diverse in terms of age, gender, race, and nationality, and whose work products are increasingly services rather than goods. The Agency anticipates providing services to a smaller percentage of workers who are employed in large fixed industries, and to a higher percentage of workers employed in small firms, temporary jobs, or at home. We further anticipate adapting our services to assist employees whose work is contracted, outsourced, and part time. We anticipate that these trends will continue over the next several decades and will develop different strategies to address these and other developing issues.

The Agency anticipates making adaptations to services based on changing workforce demographics, which will include a greater percentage of youth and older workers in the workforce. According to several sources on labor force trends, in the next decade, the youth population, ages 16 to 24, is expected to increase as a share of the workforce, the 25 to 54 age group is expected to decline, and the 55 and over age group will grow the fastest. According to the National Institute on Occupational Safety and Health (NIOSH), 80% of young people are employed at some point before they leave school. In addition, as the demand for skilled, experienced workers grows in the next two decades, older workers will become an increasingly vital labor resource. These demographic shifts influence occupational injury rates and, therefore, raise issues for VOSH's program strategies. For example, despite child labor laws that prohibit teens from engaging in the most dangerous occupations, they have a higher rate of injury per hour than adults. Older workers, on the other hand, have lower injury and illness rates than the labor force as a whole, although injured older workers generally take longer to return to work.

The Agency anticipates the need to develop products and services for immigrant and "hard-to-reach" workers and employers, who are also becoming more prevalent. We anticipate a need to develop outreach services for the many immigrant workers, who are often less English literate, unable to read English instructions, and who work in some of the most inherently dangerous jobs. In addition, we anticipate providing products to other hard-to-reach workers and employers, including youth workers, employees who work at a single location for only a few days before moving to a new location, temporary workers, and small business owners. The Agency anticipates that demographic and workplace trends will further complicate the implementation of occupational safety and health programs and will necessitate enforcement, training, and delivery systems that are very different from those upon which we relied to date.

#### Service Area Financial Summary

Virginia Occupational Safety and Health Services is funded by State General Fund Appropriation Match (39%), Federal Funds from the U.S. Department of Labor (59%), Special Revenue Funds for Consultation Grant Agreement Match (1%), and registration fees for Annual Safety and Health Conference (1%).

	<u>Fiscal Year 2007</u>		<u>Fiscal Year 2008</u>	
	<b>General Fund</b>	<b>Nongeneral Fund</b>	<b>General Fund</b>	<b>Nongeneral Fund</b>
<b>Base Budget</b>	\$2,886,664	\$4,514,040	\$2,886,664	\$4,514,040
<b>Changes To Base</b>	\$109,928	\$502,685	\$109,028	\$501,785
<b>SERVICE AREA TOTAL</b>	<b>\$2,996,592</b>	<b>\$5,016,725</b>	<b>\$2,995,692</b>	<b>\$5,015,825</b>

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## Department of Labor and Industry

### Virginia Occupational Safety and Health Services (55501)

## Service Area Objectives, Measures, and Strategies

### Objective 55501.01

***Work toward reducing workplace fatalities in the high-hazard construction industry. (Key)***

Each year, more workers die in the construction industry than in any other sector. The construction fatality rate is three times that of general industry and remained virtually unchanged from 1992-1999, before dropping in 2000. This situation is complicated by a hard-to-reach employer and employee population. Safety and Health Compliance staff conduct inspections of construction sites in accordance with federal, state, local, and special emphasis programs that are designed to prevent catastrophic accidents, as well as conducting thorough investigations of construction fatalities. The Agency does not have direct control of workplaces, but we track data on workplace fatalities. Program efforts do have a positive impact on ensuring safer workplaces in general.

#### **This Objective Supports the Following Agency Goals:**

- Provide for safe, healthy, and productive workplaces for Virginia workers, businesses, and general public.  
( Safety and Health Compliance support this agency goal by conducting inspections of construction sites in accordance with federal, state, local, and special emphasis programs that are designed to prevent catastrophic accidents, as well as conducting thorough investigations of construction fatalities.)

#### **This Objective Has The Following Measure(s):**

- **Measure 55501.01.01**

***We will reduce the rate of workplace fatalities in the high-hazard construction industry per 100,000 workers. (Key)***

**Measure Type:** Outcome      **Measure Frequency:** Annually

**Measure Baseline:** 14.12 fatalities (per 100,000 workers)

**Measure Target:** 13.41 fatalities (Decrease by 5 percent the number of fatalities per 100,000 workers)

**Measure Source and Calculation:**

U. S. Department of Labor (USDOL) tables that record yearly rates of fatality per 100,000 workers in the high-hazard construction industry. The Agency does not have direct control of workplaces, but we track this measure.

#### **Objective 55501.01 Has the Following Strategies:**

- Each year, more workers die in the construction industry than in any other sector. The construction fatality rate is three times that of general industry and remained virtually unchanged from 1992-1999, before dropping in 2000. This situation, complicated by a hard-to-reach employer and employee population, presents unique challenges for VOSH that call for new strategies. Therefore, VOSH will continue to conduct a strong, fair and effective enforcement program that includes inspecting worksites and issuing citations and penalties for violations of health and safety standards. Priorities for inspections include reports of imminent danger, fatalities and catastrophic accidents, employee complaints, investigation of whistleblower activities, referrals from other government agencies and targeted areas of concern. Areas of concern will be handled with priority by issuing special emphasis programs to target higher risk areas.



# Service Area Plan

## Department of Labor and Industry

### Virginia Occupational Safety and Health Services (55501)

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- VOSH offers consultation services at no cost, targeted at small businesses in high-hazard industries, that assists employers in identifying and correcting workplace hazards and establishing safety and health management systems. Increase safety and health consultation services to private and public sector employers with priority given to high-hazard companies with 250 or fewer employees.
- Offer the Annual Virginia Occupational Safety and Health Conference to a wide service area, providing training and information to Virginia employers, employees and safety and health professionals.
- Improve reliability and response rate of the Annual Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries under cooperative agreements with US Bureau of Labor Statistics by releasing data in a more timely fashion.
- VOSH enters into voluntary relationships (VPP, SHARP, and Alliances) with employers, employees, employee representatives and trade and professional organizations to encourage, assist and recognize their efforts to increase worker safety and health. These programs promote effective safety and health management and leverage the agency's resources to share safe and healthy best practices.
- VOSH develops and disseminates a wide range of guidance and standards that contribute to the occupational safety and health community, and the knowledge and awareness of employers and employees.

#### **Objective 55501.02**

***Work toward reducing workplace injuries and illnesses in the high-hazard construction industry.***

Safety and Health Compliance staff conduct inspections of work sites, identifying hazards and working with employers to correct those hazards. The Agency does not have direct control of workplaces, but we track data on workplace injuries/illnesses. Program efforts do have a positive impact on ensuring safer workplaces in general.

#### **This Objective Supports the Following Agency Goals:**

- Provide for safe, healthy, and productive workplaces for Virginia workers, businesses, and general public.  
(Safety and Health Compliance support this agency goal by conducting inspections of work sites, identifying hazards and working with employers to correct those hazards.)

#### **This Objective Has The Following Measure(s):**

- **Measure 55501.02.**

***Rate of workplace injuries in the high-hazard construction industry per 100 employees.***

**Measure Type:** Outcome      **Measure Frequency:** Annually

**Measure Baseline:** 7.10 (injuries/illnesses per 100 workers)

**Measure Target:** 4.97 (injuries/illnesses per 100 workers)

**Measure Source and Calculation:**

The U. S. Department of Labor (USDOL) tables record rates of injury/illness per 100 workers in the high-hazard construction industry. The Agency does not have direct control of workplaces, but we track data on illnesses and injuries.

#### **Objective 55501.02 Has the Following Strategies:**

# Service Area Plan

## Department of Labor and Industry

### Virginia Occupational Safety and Health Services (55501)

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- VOSH develops and disseminates a wide range of guidance and standards that contribute to the occupational safety and health community, and the knowledge and awareness of employers and employees.
- Offer the Annual Virginia Occupational Safety and Health Conference to a wide service area, providing training and information to Virginia employers, employees and safety and health professionals.
- Improve reliability and response rate of the Annual Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries under cooperative agreements with US Bureau of Labor Statistics by releasing data in a more timely fashion.
- VOSH will continue to conduct a strong, fair and effective enforcement program that includes inspecting worksites and issuing citations and penalties for violations of health and safety standards. Priorities for inspections include reports of imminent danger, fatalities and catastrophic accidents, employee complaints, investigation of whistleblower activities, referrals from other government agencies and targeted areas of concern. Areas of concern will be handled with priority by issuing special emphasis programs to target higher risk areas.
- VOSH offers consultation services at no cost, targeted at small businesses in high-hazard industries, that assists employers in identifying and correcting workplace hazards and establishing safety and health management systems.
- VOSH enters into voluntary relationships (VPP, SHARP, and Alliances) with employers, employees, employee representatives and trade and professional organizations to encourage, assist and recognize their efforts to increase worker safety and health. These programs promote effective safety and health management and leverage the agency's resources to share safe and healthy best practices.

#### **Objective 55501.03**

##### ***Respond quickly to all safety and health complaints.***

Safety and Health Compliance staff promptly handle all safety and health complaints or referrals in accordance with OSHA standards and our Virginia Occupational Safety and Health (VOSH) Field Operations Manual (FOM).

##### **This Objective Supports the Following Agency Goals:**

- Provide for safe, healthy, and productive workplaces for Virginia workers, businesses, and general public.  
( Safety and Health Compliance staff support this goal by promptly handling all safety and health complaints or referrals in accordance with OSHA standards and our Virginia Occupational Safety and Health (VOSH) Field Operations Manual (FOM).)
- Provide excellent customer service through the effective performance of DOLI personnel.  
( Safety and Health Compliance staff support this goal by promptly handling all safety and health complaints or referrals in accordance with OSHA standards and our Virginia Occupational Safety and Health (VOSH) Field Operations Manual (FOM).)

##### **This Objective Has The Following Measure(s):**

# Service Area Plan

## Department of Labor and Industry

### Virginia Occupational Safety and Health Services (55501)

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- **Measure 55501.03.01**

***Percentage of health/safety complaints investigated within one business day.***

**Measure Type:** Outcome

**Measure Frequency:** Annually

**Measure Baseline:** 94% (Percentage of health/safety complaints responded to within target.)

**Measure Target:** 95% (Percentage of health/safety complaints responded to within target.)

**Measure Source and Calculation:**

VOSH program data is tracked utilizing the Integrated Management Information System (IMIS) database. VOSH offers workers the choice between two approaches to handle their complaints: either VOSH will conduct an investigation by contacting the employer via phone/fax to inform them of the complaint, with a response required back from the employer within five work days; or, VOSH will conduct an on-site inspection.

- **Measure 55501.03.02**

***Number of occupational safety and health hazards identified.***

**Measure Type:** Outcome

**Measure Frequency:** Annually

**Measure Baseline:** This is a new performance measure. Baseline data will be established in FY 2006.

**Measure Target:** This is a new performance measure. Baseline data will be established in FY 2006

**Measure Source and Calculation:**

Safety and health inspections are conducted by compliance officers and consultants. Hazards identified are recorded and maintained in the VOSH IMIS Compliance data base, and the Voluntary Compliance data base.

**Objective 55501.03 Has the Following Strategies:**

- VOSH will continue to conduct a strong, fair and effective enforcement program that includes inspecting worksites and issuing citations and penalties for violations of health and safety standards. Priorities for inspections include reports of imminent danger, fatalities and catastrophic accidents, employee complaints, investigation of whistleblower activities, referrals from other government agencies and targeted areas of concern. Areas of concern will be handled with priority by issuing special emphasis programs to target higher risk areas.

# Service Area Plan

## Department of Labor and Industry

### Asbestos and Lead Safety Services (55502)

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## Service Area Background Information

### Service Area Description

This service area implements the laws and regulations regarding asbestos and lead removal projects and the Virginia Asbestos NESHAP Act. Regulation of asbestos and lead removal projects involves issues of occupational safety and health, as well as issues of public safety. Products and services include:

- Customer service by providing technical assistance;
- Issuance of asbestos and lead project permits to abatement contractors;
- Conducting an on-site unannounced inspection of each asbestos and lead removal contractor at least once a year;
- Assurance of contractor adherence to the National Emission Standard for Hazardous Air Pollutants (NESHAP) to protect the general public and the environment from asbestos emissions during renovation and demolition activities;
- Assurance of safe work practices during installation, removal, and encapsulation of asbestos and lead;
- Regulatory development to establish minimum requirements for worker and public safety during installation, removal, and encapsulation of asbestos and lead; and
- Economic development support through helping ensure older buildings can be safely rehabilitated by the removal of asbestos and lead.

### Service Area Alignment to Mission

This service area directly aligns with DOLI's mission of making Virginia a better place to work, live and conduct business by protecting workers, employers, and the public through assuring safe work practices during installation, removal, and encapsulation of asbestos and lead, by providing technical assistance, and through economic development support to ensure that older buildings can be safely rehabilitated by the removal of asbestos and lead.

### Service Area Statutory Authority

- Chapter 1 of Title 40.1 provides for the establishment of the Department of Labor and industry and establishes the authority of the Commissioner.
- Chapter 3.2 of Title 40.1 (§§ 40.1-51.20 thru 40.1-51.22) establishes the Asbestos and Lead Notification Program as part of a larger program requiring licensing and certification of asbestos and lead contractors and workers by the Department of Professional and Occupational Regulation (DPOR) (§§ 54.1-500 thru 54.1-517). It requires issuance of permits for removal contractors and inspection of each removal, installation or encapsulation project.
- Chapter 3.3 of Title 40.1 (§§ 40.1-51.23 thru 40.1-51.41), known as the Virginia Asbestos NESHAP Act, establishes the requirements for asbestos contractors to protect the general public and the environment from asbestos emissions during renovation and demolition activities.
- The Virginia Safety and Health Codes Board is established as the regulatory and policy board for the

# Service Area Plan

## Department of Labor and Industry

### Asbestos and Lead Safety Services (55502)

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program by § 40.1-22. The Board is authorized to establish regulations governing the asbestos and lead safety program.

#### **Service Area Customer Base**

Customer(s)	Served	Potential
Asbestos and Lead Abatement Contractors Asbestos and Lead Abatement Contractors	320	320
Asbestos and Lead Abatement Workers	3,501	3,501
Employees	3,598,669	3,598,669
Employers	209,903	209,903

#### **Anticipated Changes In Service Area Customer Base**

DOLI anticipates the number of non-English speaking customers to increase. The Commonwealth's workforce has changed in significant ways over the past several decades. It is more diverse in terms of age, gender, race, and nationality, and the products of work are increasingly services rather than goods. A smaller percentage of workers are employed in large fixed industries, and higher proportions are employed in small firms, temporary jobs, or at home. More work is now contracted, outsourced, and part-time. These trends are expected to continue over the next several decades and will require different strategies to address developing issues.

In terms of workforce demographics, we can expect to see a greater percentage of youth and older workers in the workforce. According to several sources on labor force trends, in the next decade, the youth population, ages 16 to 24, is expected to increase as a share of the workforce, the 25 to 54 age group is expected to decline, and the 55 and over age group will grow the fastest. According to the National Institute on Occupational Safety and Health (NIOSH), 80% of young people are employed at some point before they leave school. In addition, as the demand for skilled, experienced workers grows in the next two decades, older workers will become an increasingly vital labor resource.

Immigrant and "hard-to-reach" workers and employers are also becoming more prevalent. Many immigrants are less English literate, unable to read English instructions, and work in some of the most inherently dangerous jobs. Hard-to-reach workers and employers include youth workers, employees who work at a single location for only a few days before moving to a new location, temporary workers, and small business owners. These demographic and workplace trends complicate the implementation of occupational safety and health programs and argue for enforcement, training, and delivery systems that are different from those that have been relied upon to date.

The number of lead abatement projects inspected is anticipated to decrease with the adoption by the Department of Professional and Occupational Regulation (DPOR) of the EPA's definition of lead abatement. Activities such as renovation, remodeling, and landscaping that are not designed to permanently eliminate lead-based paint hazards are no longer considered abatement. Interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards have also been excluded from the definition of abatement.

# Service Area Plan

## Department of Labor and Industry

### Asbestos and Lead Safety Services (55502)

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#### **Service Area Products and Services**

- Customer service by providing technical assistance.
- Issuance of asbestos and lead project permits to abatement contractors.
- Conducting an on-site unannounced inspection of each asbestos and lead removal contractor at least once a year.
- Assurance of contractor adherence to the National Emission Standard for Hazardous Air Pollutants (NESHAP) to protect the general public and the environment from asbestos emissions during renovation and demolition activities.
- Assurance of safe work practices during installation, removal, and encapsulation of asbestos and lead.
- Regulatory development to establish minimum requirements for worker and public safety during installation, removal, and encapsulation of asbestos and lead.
- Economic development support through helping ensure older buildings can be safely rehabilitated by the removal of asbestos and lead.

#### **Factors Impacting Service Area Products and Services**

This Service Area is impacted by the number of asbestos and lead abatement notifications received, as well as the number of renovation and construction projects that involve the removal and disposal of asbestos and lead.

#### **Anticipated Changes To Service Area Products and Services**

The Agency anticipates that strategies will be developed to provide services to a changing workforce. The Agency anticipates using the services of foreign language interpreters and training some staff to speak non-English languages (especially Spanish). We also anticipate a need to develop outreach services for the many immigrant workers employed in the asbestos and lead abatement industry who are often less English literate and unable to read English instructions.

#### **Service Area Financial Summary**

Asbestos and Lead Services is funded by Asbestos and Lead Project Permit Fees (75%) from removal contractors and Federal Funds from U.S. Department of Labor (25%).

	<b><u>Fiscal Year 2007</u></b>		<b><u>Fiscal Year 2008</u></b>	
	<b>General Fund</b>	<b>Nongeneral Fund</b>	<b>General Fund</b>	<b>Nongeneral Fund</b>
<b>Base Budget</b>	\$0	\$324,697	\$0	\$324,697
<b>Changes To Base</b>	\$0	\$603	\$0	\$603
<b>SERVICE AREA TOTAL</b>	<b>\$0</b>	<b>\$325,300</b>	<b>\$0</b>	<b>\$325,300</b>

# Service Area Plan

## Department of Labor and Industry

### Asbestos and Lead Safety Services (55502)

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## Service Area Objectives, Measures, and Strategies

### Objective 55502.01

***Work toward reducing workplace injuries and illness in the asbestos and lead abatement industry.***

The Agency will reduce workplace injuries and illnesses in the asbestos and lead abatement industry by direct intervention using enforcement inspections, on-site consultation programs, cooperative programs, outreach, training and education, information services and standards and guidance. Each licensed asbestos and lead contractor will be inspected at least once per year.

#### **This Objective Supports the Following Agency Goals:**

- Provide for safe, healthy, and productive workplaces for Virginia workers, businesses, and general public.  
( This objective supports the Agency goal of providing for safe, healthy workplaces in Virginia businesses by protecting workers, employers and the general public from injury or illness as a result of exposure to asbestos.)

#### **This Objective Has The Following Measure(s):**

- **Measure 55502.01.01**

***Percentage of contractors inspected each year.***

**Measure Type:** Output

**Measure Frequency:** Annually

**Measure Baseline:** 70% (percent of contractors inspected.)

**Measure Target:** 82% (percent of contractors inspected.)

**Measure Source and Calculation:**

Data is collected from the Lead Asbestos Removal System (LARS) and the VOSH Integrated Management Information System (IMIS).

#### **Objective 55502.01 Has the Following Strategies:**

- Review asbestos and lead permits on a weekly basis to track those contractors who have not been inspected that FY to ensure that proper procedures are followed for removal and encapsulation of asbestos and lead.
- Contractors who have not been inspected at least once in the FY will be given priority of assignment of compliance resources for inspection.

### Objective 55502.02

***Respond quickly to health and safety complaints involving asbestos and lead.***

This objective serves the purpose of protecting public safety and the occupational health and safety of workers in the asbestos and lead abatement industry by preventing or causing the removal of health and safety hazards.

#### **This Objective Supports the Following Agency Goals:**

- Provide for safe, healthy, and productive workplaces for Virginia workers, businesses, and general public.  
( This objective supports the Agency goal of providing safe, healthy workplaces in Virginia businesses.)

# Service Area Plan

## Department of Labor and Industry

### Asbestos and Lead Safety Services (55502)

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#### This Objective Has The Following Measure(s):

- **Measure 55502.02.02**

*Percent of responses to health/safety complaints investigated within one business day.*

**Measure Type:** Outcome

**Measure Frequency:** Annually

**Measure Baseline:** 94% (Percentage of health/safety complaints responded to within target.)

**Measure Target:** 95% (Percentage of health/safety complaints responded to within target.)

**Measure Source and Calculation:**

Program data is tracked utilizing the Integrated Management Information System (IMIS) database. Agency offers workers the choice between two approaches to handle their complaints: either DOLI will conduct an investigation by contacting the employer via phone/fax to inform them of the complaint, with a response required back from the employer within five work days; or, DOLI will conduct an on-site inspection.

#### Objective 55502.02 Has the Following Strategies:

- Monthly monitoring of all data entries, documentation of all complaints received and handled.



# Service Area Plan

## Department of Labor and Industry

### Boiler and Pressure Vessel Safety Services (56201)

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## Service Area Background Information

### Service Area Description

This service area implements the Boiler and Pressure Vessel Safety Act. Products and services include:

- Customer service, such as training and technical assistance.
- Issuance of certificates for properly inspected boiler and pressure vessels.
- Commission of owners/users inspection personnel to inspect their own boilers and pressure vessels.
- Identification of unregistered boilers and pressure vessels.
- Issuance of interpretations and technical letters on processes.
- Examination and issuance of inspector certificates to qualified private boiler and pressure vessel inspectors.
- Regulatory development to establish requirements for the construction, installation, operation, maintenance, and registration of boiler and pressure vessels; and examination of private boiler and pressure vessel inspectors.
- Quality control review and surveys.
- Economic development support through the assurance that boilers and pressure vessels are constructed, inspected and maintained in a safe manner to protect life and property.

Boiler Safety has a unique public-private partnership with insurance companies that insure boiler and pressure vessels and contract fee inspection companies for uninsured companies. The previously described Boiler and Pressure Vessel Safety Act and the Safety and Health Codes Board's Boiler and Pressure Vessel rules and regulations permit these DOLI certified inspectors, acting on behalf of the Commissioner of Labor and Industry to conduct inspections of these objects and for these inspections to serve as a basis for Boiler Safety's issuance of a Certificate of Inspection.

### Service Area Alignment to Mission

This service area directly aligns with DOLI's mission of making Virginia a better place to work, live, and conduct business through the objective of ensuring the safety of boilers and pressure vessels located in businesses, public buildings, such as schools, and other structures, such as apartment buildings.

### Service Area Statutory Authority

- Chapter 1 of Title 40.1 provides for the establishment of the Department of Labor and Industry and establishes the authority of the Commissioner.
- Chapter 3.1 of Title 40.1, known as the Boiler and Pressure Vessel Safety Act, establishes the minimum requirements for the construction, installation, maintenance and inspection of boiler and pressure vessels. It also provides for the certification of boiler inspectors, owner/user inspection agencies and private contract fee inspectors.
- The Virginia Safety and Health Codes Board is established as the regulatory and policy board for the

# Service Area Plan

## Department of Labor and Industry

### Boiler and Pressure Vessel Safety Services (56201)

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program by § 40.1-22. The Board is authorized to establish regulations governing the construction, installation, operation, maintenance, and inspection of boiler and pressure vessels.

- Section 15.2-910 permits local government to adopt an ordinance requiring boiler operators to obtain a certificate from the local governing body. This section directs the Safety and Health Codes Board to establish standards to be used in determining an applicant's ability, proficiency and qualifications.

#### **Service Area Customer Base**

Customer(s)	Served	Potential
Inspection Companies	23	27
Owners/Users of boilers and pressure vessels	25,000	40,000

#### **Anticipated Changes In Service Area Customer Base**

Changes in the types of objects being inspected could result in the following changes to the customer base:

- Many heating boilers are being replaced with other types of heat exchangers that are exempt from the Virginia Code such as dual AC/heat pumps and water heaters.
- Increases in the numbers of Nuclear plants will result in more objects needing inspections in utilities.
- Over the road cargo tanks will be built to the ASME Code once DOT approves the federal rule changes in approximately 2-3 years. While enforcement of tanks carrying hazardous material has historically been under the State police, Boiler Safety has the expertise of all ASME Code issues affecting pressure vessels.
- Inspection companies - Boiler Safety has a unique public-private partnership with insurance companies that insure boiler and pressure vessels and contract fee inspection companies for uninsured companies. These partnerships are anticipated to increase.
- Local governmental agencies - Other significant partners are the county or city building officials that will not issue a Use and Occupancy Permit until they see a DOLI issued Certificate of Inspection for each boiler and pressure vessel, as appropriate. There are 10 counties or cities that routinely provide us information about unregistered boilers and pressure vessels being installed or replaced. It is expected that this number will grow as state boiler inspectors continue to meet and educate these officials.
- Officials from the Drinking Water Division of the Department of Health are significant partners and provide DOLI with referrals on all hydro-pneumatic tanks [pressure vessels], as applicable. Many unregistered hydro-pneumatic tanks are expected to be found and either replaced or registered utilizing a very useful partnership.

# **Service Area Plan**

## ***Department of Labor and Industry***

### ***Boiler and Pressure Vessel Safety Services (56201)***

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#### **Service Area Products and Services**

- Customer assistance  
State Boiler Inspectors obtain lists of companies and organizations in focused areas of apartment buildings and automobile related services and make compliance visits to initially educate the owners/users about Virginia laws regarding boilers and pressure vessels. Boiler program staff assist customers in maintaining current certificates, finding inspectors, and otherwise maintaining safe boilers and pressure vessels in compliance with regulatory requirements.
- Inspection and enforcement  
Thorough and consistent inspection and enforcement of laws and regulations regarding the construction, installation, operation, and repair of boilers and pressure vessels. Assessing hazards and unsafe conditions and assuring timely corrective actions. Investigation of accidents and complaints. Civil penalty assessment. Inspection, enforcement and services staff assist customers in maintaining safe boilers and pressure vessels in compliance with regulatory requirements.
- Certification  
Certification of persons performing inspections of boilers and pressure vessels. Inspector certification services assure persons performing specialized tasks are qualified and maintain high standards of technical competency. Certification of boilers and pressure vessels at an established frequency assure that they are safe to operate and in compliance with laws and regulations.

#### **Factors Impacting Service Area Products and Services**

- The economy is expected to continue to grow.
- The implementation of a recent law change that allows State Inspectors to perform limited inspections of boilers and pressure vessels 91 days past due.
- Continued growth of inspection companies reporting inspections electronically.
- More customers that are less fluent in English will impact the delivery of services.

#### **Anticipated Changes To Service Area Products and Services**

- Customer assistance requests are expected to increase as the economy continues to grow, our educational efforts succeed, and partnerships expand.
- State Inspectors performing inspections of boilers and pressure vessels 91 days past due will result in an increase of certificates issued and a reduction of overdue inspections.
- The number of inspection companies reporting inspections electronically is 20%. Any further increase of inspection companies utilizing electronic reporting will improve both efficiency and response time.
- The number of owners/users of boilers and pressure vessels speaking principally Korean or Spanish is increasing, especially in the area of small businesses. Response time will adversely increase as a result of communication challenges.

# Service Area Plan

## Department of Labor and Industry

### Boiler and Pressure Vessel Safety Services (56201)

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#### Service Area Financial Summary

Boiler and Pressure Vessel Safety Services is currently funded by State General Fund Appropriation.

	<u>Fiscal Year 2007</u>		<u>Fiscal Year 2008</u>	
	<b>General Fund</b>	<b>Nongeneral Fund</b>	<b>General Fund</b>	<b>Nongeneral Fund</b>
<b>Base Budget</b>	\$489,749	\$0	\$489,749	\$0
<b>Changes To Base</b>	\$49,485	\$0	\$49,485	\$0
<b>SERVICE AREA TOTAL</b>	<b>\$539,234</b>	<b>\$0</b>	<b>\$539,234</b>	<b>\$0</b>

# Service Area Plan

## Department of Labor and Industry

### Boiler and Pressure Vessel Safety Services (56201)

## Service Area Objectives, Measures, and Strategies

### Objective 56201.01

***To eliminate, or mitigate, injuries, fatalities, and property damage through increasing the numbers of operational certificates issued for pressurized, temperature controlled boilers and pressure vessels.***

Protecting the public and workers in areas where boilers and high pressure vessel equipment is operated is crucial to public safety. Improper operation and maintenance of boilers and high-pressure vessels has a high potential for injury, death, and property losses. Through inspections, investigations, and operational permits, DOLI seeks to ensure a workplace free of preventable boiler and pressure vessel hazards; prompt, accurate and thorough investigation of complaints of faulty, inoperative or dangerous boilers and pressure vessels.

#### **This Objective Supports the Following Agency Goals:**

- Provide for safe, healthy, and productive workplaces for Virginia workers, businesses, and general public.  
( Chapter 3.1 of Title 40.1, known as the Boiler and Pressure Vessel Safety Act establishes the minimum requirements for the construction, installation, maintenance and inspection of boiler and pressure vessels. It also provides for the certification of boiler inspectors, owner/user inspection agencies and private contract fee inspectors.  
  
The Virginia Safety and Health Codes Board is established as the regulatory and policy board for the program by § 40.1-22. The Board is authorized to establish regulations governing the construction, installation, operation, maintenance, and inspection of boiler and pressure vessels.)
- Provide excellent customer service through the effective performance of DOLI personnel.  
( By assisting citizens to become more knowledgeable in the safe construction, installation, operation, and repair of boilers and pressure vessels, there will be fewer accidents. This will improve public safety and attract national and international businesses resulting in economic growth.)

#### **This Objective Has The Following Measure(s):**

- **Measure 56201.01.01**

***Number of warning notices issued for previously un-inspected boiler and pressure vessel objects.***

**Measure Type:** Output

**Measure Frequency:** Annually

**Measure Baseline:** 880 (unregistered boiler and pressure vessel objects)

**Measure Target:** 924 (unregistered boiler and pressure vessel objects)

**Measure Source and Calculation:**

Data will be based upon report information recorded by each Boiler and Pressure Vessel State Inspector. Emphasis will be directed toward compliance visits at apartment and automobile repair facilities.

# Service Area Plan

## Department of Labor and Industry

### Boiler and Pressure Vessel Safety Services (56201)

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- **Measure 56201.01.02**

*Number operational certificates issued for high pressure, high temperature boilers/pressure vessel devices.*

**Measure Type:** Output

**Measure Frequency:** Annually

**Measure Baseline:** 32,000 (certificates issued)

**Measure Target:** 36,800 (certificates issued)

**Measure Source and Calculation:**

Number of acceptable inspection reports conducted resulting in a Certificate of Inspection being issued by Boiler and Pressure Vessel program.

**Objective 56201.01 Has the Following Strategies:**

- State Boiler Inspectors make compliance visits in focused areas of apartment buildings and automobile related services to initially educate owners/users about Virginia's laws regarding boilers and pressure vessels.
- Emphasis on non-compliant equipment owners and operators through sharing of information with local building officials, partnerships with insurance companies, identification of overdue inspections.
- Increase public awareness and participation through public service announcements, safety brochures, and production of safety video.

# **Service Area Plan**

## ***Department of Labor and Industry***

### ***Administrative and Support Services (59900)***

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## **Service Area Background Information**

### **Service Area Description**

Administrative and Support Services for the Department of Labor and Industry include the Office of the Commissioner; Human Resources; and Administration and Finance. This service area is responsible for the following agency-wide functions: executive management and direction; agency human resource services which includes staff recruitment and retention, training, benefit administration, dispute resolution, implementation and evaluation of fair employment practices; and resource administration that includes accounting, budgeting, financial management and compliance (including grants), IT and management information services, records management, regulatory promulgation, legislative coordination, policy management, asset management, risk management, contract management, purchasing, facilities management, general service support, and telecommunications. Service partners include Virginia's central support agencies; federal grantor agencies; non-English language radio stations, newspapers, and chamber of commerce groups; media groups; senior citizen worker placement organizations; vendors; and minority and women owned businesses.

### **Service Area Alignment to Mission**

Administration and Support Services supports the agency programs by ensuring the efficient utilization and management of resources in the performance of the agency mission. This is achieved by applying best practices in management of funds and human resources, strategic planning and change management; compliance and internal audit; and responsiveness to customer needs.

### **Service Area Statutory Authority**

Chapter 1 of Title 40.1 provides for the establishment of the Department of Labor and Industry and establishes the authority of the Commissioner.

Chapter 1 of Title 40.1 (§ 40.1-6 (5)) authorizes the Commissioner "to appoint such representatives as may be necessary to aid him in his work; their duties shall be prescribed by the Commissioner."

# Service Area Plan

## Department of Labor and Industry

### Administrative and Support Services (59900)

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#### **Service Area Customer Base**

Customer(s)	Served	Potential
Agency Employees and Volunteers	184	184
Agency Vendors	144	160,000
Apprentices	12,299	13,037
Asbestos and Lead Abatement Contractors	320	320
Attorneys	2,300	26,123
Employer Sponsors	2,056	2,179
Employers	209,903	209,903
Government Entities	465	465
Inspection Companies	23	27
Issuing Officers	1,500	1,500
Labor Organizations	75	75
News Organizations	2,600	2,600
Non-English Speaking Media Organizations	1	10
Owners/Users of boilers and pressure vessels	25,000	40,000
Potential Vendors and SWAM Contacts	38	38
Public	0	0
Related Instruction Coordinators	16	16
Safety and Health Codes Board	1	1
Virginia Apprenticeship Council	1	1
Volunteer Organizations	1	1

#### **Anticipated Changes In Service Area Customer Base**

The Agency anticipates that efforts and resources will increasingly be directed toward addressing service issues to non-English speaking customers. To supports those efforts, the Agency will be intensifying the recruitment of bilingual employees.

To maintain the present level of services and to respond to an ever-increasing need for the Agency's services, efforts will be made to support recruitment, training, and retention of professional program staff.

In addition, the Agency anticipates contacts with increasingly diverse vendors, especially businesses owned by minorities and women.

The Agency anticipates an ever-increasing demand for updated IT services. We expect the trend of rising numbers of internet inquiries and requests for assistance will continue.

There will be increases in the numbers of vendors participating in state procurement transactions.

The State's Enterprise Architecture and Enterprise Application initiatives will increase contact with eventual contract staff.



# **Service Area Plan**

## ***Department of Labor and Industry***

### ***Administrative and Support Services (59900)***

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#### **Service Area Products and Services**

- Executive Management, Control, and Oversight
- Planning and Resource Allocation
- Legislative Liaison
- Internal Risk Management and Mitigation
- Supply Chain Management
- Information and Technology Management
- Human Resource Management
- Financial Management
- Administrative Management
- Regulatory Development
- Public Affairs
- Revenue Collections

# Service Area Plan

## Department of Labor and Industry

### Administrative and Support Services (59900)

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#### Factors Impacting Service Area Products and Services

There has been a marked increase in the number of non-English speaking customers, both employers and employees. Additionally, many employees and employers may speak some English but are not proficient in reading English. The agency has made an effort in the past years to hire staff who can speak other languages. Also, the agency has printed many of the informational posters and brochures in Spanish. There is a need to expand this effort to other languages.

The Agency will experience a huge employee turnover of experienced staff as older public servants retire. Noncompetitive salaries and inadequate resources for staff training/development programs contribute to low staff retention and decreased productivity.

State and agency technology resources are aging and in many cases obsolete. Current IT transformation initiatives include an IT infrastructure outsourcing contract; and an enterprise application track for central state accounting, budgeting, human resources, procurement, and other enterprise programs such as permitting and licensing.

Maintenance and continued utilization of OSHA's Integrated Management Information Systems (IMIS) and Compliance Safety and Health Officer (CSHO) IT systems and technology are contingent upon federal funding and support at both state and federal levels.

Central agency requirements will continue to impact agency IT systems and agency processing procedures.

Additional state requirements are being implemented related to a more structured approach governing agency internal control responsibilities. This will involve new administrative policies and procedures, agency risk assessment tools, agency internal control checklists and questionnaires, and mandatory training programs. Also, central agency review process will be revised to review agency internal control performance measures.

#### Anticipated Changes To Service Area Products and Services

Efforts and resources will be directed to addressing service issues to non-English speaking customers. Human Resource efforts will intensify to support recruitment, training/development and retention of professional program staff. Service area will continue to identify/research best practices and implement when feasible.

#### Service Area Financial Summary

Administrative and Support Services is funded by State General Fund Appropriation (78%) and Indirect Cost Recoveries from Federal Grants (22%).

	<b><u>Fiscal Year 2007</u></b>		<b><u>Fiscal Year 2008</u></b>	
	<b>General Fund</b>	<b>Nongeneral Fund</b>	<b>General Fund</b>	<b>Nongeneral Fund</b>
<b>Base Budget</b>	\$1,916,779	\$540,000	\$1,916,779	\$540,000
<b>Changes To Base</b>	\$249,764	\$81,137	\$247,736	\$81,137
<b>SERVICE AREA TOTAL</b>	<b>\$2,166,543</b>	<b>\$621,137</b>	<b>\$2,164,515</b>	<b>\$621,137</b>

# Service Area Plan

## Department of Labor and Industry

### Administrative and Support Services (59900)

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#### Service Area Objectives, Measures, and Strategies

##### Objective 59900.01

***To ensure the efficient utilization and management of resources in the performance of the agency mission and in a manner consistent with applicable state and federal requirements***

Effective management of resources is needed so that programs and customers receive accurate, timely, and reliable information; vendors are promptly paid; employee human resource needs are addressed; effective controls are in place to safeguard agency resources; and that administration of agency resources, including grants, is in compliance with all state and federal statutes and procedures. The Virginia Excels management scorecard serves as a common gauge of agency operations. The Management Scorecard grades agencies on five criteria: Human Resource Management, Government Procurement, Financial Management, Technology, and Performance Management. These measures seek to ensure that resources are used efficiently and programs are managed effectively, and in a manner consistent with applicable state and federal requirements.

##### **This Objective Supports the Following Agency Goals:**

- Provide excellent customer service through the effective performance of DOLI personnel.

##### **This Objective Has The Following Measure(s):**

- **Measure 59900.01.01**

##### ***External Audit/Evaluation Reports and Management Scorecard***

**Measure Type:** Outcome      **Measure Frequency:** Annually

**Measure Baseline:** 100% (Management Scorecard)

**Measure Target:** 100% (Management Scorecard)

##### **Measure Source and Calculation:**

External Audit Reports documenting any written findings, management letter comments or material internal control weaknesses, and Virginia Excels management scorecard with data supplied by agency.

##### **Objective 59900.01 Has the Following Strategies:**

- The Department of Labor and Industry will manage administrative and customer service functions to ensure compliance with state, federal, and agency regulations, policies, procedures, and philosophy. Agency will retain a qualified and trained staff, and maintain adequate staffing levels to ensure effective utilization of resources.